

**SUPREME COURT MINUTES
THURSDAY, SEPTEMBER 7, 2006
SAN FRANCISCO, CALIFORNIA**

S056391**PEOPLE v. WILLIAMS (BOB R.)**

Request for extended media coverage granted subject to the conditions set forth in rule 980, California Rules of Court.

S129125

**GOLETA, CITY OF v. S.C. (OLY
CHADMAR SANDPIPER
GENERAL PARTNERSHIP)**

Request for extended media coverage granted subject to the conditions set forth in rule 980, California Rules of Court.

S135263**P. (JAIME), IN RE**

Request for extended media coverage granted subject to the conditions set forth in rule 980, California Rules of Court.

S127086

B165665 Second Appellate District, Div 2

**GENERAL MOTORS
CORPORATION v.
FRANCHISE TAX BOARD**

Time extended to consider modification or rehearing to November 15, 2006.

S133343

A105312 First Appellate District, Div. 3

**MICROSOFT CORPORATION v.
FRANCHISE TAX
BOARD**

Time extended to consider modification or rehearing to November 15, 2006.

S144781

A108732/A111932 First Appellate District, Div. 3

PEOPLE v. MENDIVIL (APRIL L.)

Time extended to grant or deny review to and including October 6, 2006.

S144890

C048147 Third Appellate District

**PEOPLE v. BROWN
(CHRISTOPHER M.)**

Time extended to grant or deny review to and including October 6, 2006.

S144891

A113836 First Appellate District, Div. 3

LOPEZ (JESUS) ON H.C.

Time extended to grant or deny review to and including October 6, 2006.

S144898 F048453 Fifth Appellate District

**PEOPLE v. HOWARD
KENNETH W.)**

Time extended to grant or deny review to October 16, 2006.

S144901 D048440 Fourth Appellate District, Div. 1

WHITE (VONDA) ON H.C.

Time extended to grant or deny review to and including October 6, 2006.

S144910 B180935 Second Appellate District, Div. 4

**PEOPLE v. PHANNIPHON
(HONGDA)**

Time extended to grant or deny review to and including October 6, 2006.

S144970 G034279 Fourth Appellate District, Div. 3

PEOPLE v. CATALAN (JOSE A.)

Time extended to grant or deny review to and including October 18, 2006.

S145054 E037360 Fourth Appellate District, Div. 2

**PEOPLE v. ARMENDARIZ
(DANIEL)**

Petition for review denied.

S145069 B182020 Second Appellate District, Div. 7

PEOPLE v. TORRES (OSCAR A.)

Time extended to grant or deny review to Oct. 19, 2006.

S145075 A109080 First Appellate District, Div. 4

**PEOPLE v. STONE (EL NORRIS
A.)**

Time extended to grant or deny review to October 16, 2006.

S145076 C047840 Third Appellate District

**PEOPLE v. RODRIGUEZ
(ENRIQUE)**

Time extended to grant or deny review to and including October 13, 2006.

S145081 B180928 Second Appellate District, Div. 2

PEOPLE v. DODDS (JAYMAR)

Time extended to grant or deny review to and including October 13, 2006.

S145084 E039676 Fourth Appellate District, Div. 2

PEOPLE v. S.C. (COX)

Petition for review denied.

S145089 A110297 First Appellate District, Div. 4

PEOPLE v. BALL (ROBERT L.)

Time extended to grant or deny review to October 13, 2006.

S145099 B182289 Second Appellate District, Div. 4

PEOPLE v. MARTIN (CHARLES)

Time extended to grant or deny review to Oct. 13, 2006.

S145118 C049566 Third Appellate District

PEOPLE v. BUDWISER (PHILIP C.)

Time extended to grant or deny review to October 13, 2006.

S145125 A107624 First Appellate District, Div. 2

PEOPLE v. BARLOW (JAMES T.)

Time extended to grant or deny review to October 13, 2006.

S145138 D046391 Fourth Appellate District, Div. 1

PEOPLE v. MONTIJO (RONALD E.)

Time extended to grant or deny review to and including October 17, 2006.

S145156 C050534 Third Appellate District

PEOPLE v. EMERY (WARDELL H.)

Time extended to grant or deny review to October 17, 2006.

S145161 A109822 First Appellate District, Div. 2

PEOPLE v. CHRISTMAN (WILLIAM M.)

Time extended to grant or deny review to October 17, 2006.

S145210 H028810 Sixth Appellate District

PEOPLE v. LYONS (CHARLES E.)

Time extended to grant or deny review to October 19, 2006.

S145217 B184135 Second Appellate District, Div. 4

PEOPLE v. BROUSSARD (CEDRICK D.)

Time extended to grant or deny review to October 19, 2006.

S145224 B179399 Second Appellate District, Div. 8

PEOPLE v. BELL (MELVIN)

Time extended to grant or deny review to October 19, 2006.

S145283 D046430 Fourth Appellate District, Div. 1

PEOPLE v. SMITH (CORY L.)

Time extended to grant or deny review to and including October 19, 2006.

S042660

PEOPLE v. DEMENT (RONNIE D.)

Extension of time granted to November 7, 2006, to file appellant's reply brief. After that date, only five further extensions totaling about 260 additional days will be granted. Extension is granted based upon Deputy State Public Defender William T. Lowe's representation that he anticipates filing that brief by the end of July 2007.

S058472

PEOPLE v. BENNETT (ERIC W.)

Extension of time granted to November 7, 2006, to file appellant's reply brief. After that date, only two further extensions totaling about 100 additional days are contemplated. Extension is granted based upon counsel Tamara P. Holland's representation that she anticipates filing that brief by February 15, 2007.

S081918**PEOPLE v. MCKINZIE
(KENNETH)**

Extension of time granted to November 7, 2006, to file appellant's opening brief.

S133805

A104689 First Appellate District, Div. 2

**TAUS (NICOLE) v. LOFTUS
(ELIZABETH)**

Plaintiff's request for a two-day extension of time to file a supplemental letter brief, filed on September 6, 2006, is granted. Plaintiff's supplemental letter brief shall be filed in the San Francisco office of this court on or before September 8, 2006. Each party may file a supplemental letter reply brief in the San Francisco office of this court on or before September 15, 2006.

S138974

C044267 Third Appellate District

**LAUB (DON) v. DAVIS (JOSEPH
G.)**

Extension of time granted to September 29, 2006, to file answers to amicus briefs by all parties except State Water Contractors.

S144290**LUGLIANI (RICHARD A.) ON
H.C.**

Respondent's time to serve and file the informal response to the petition for writ of habeas corpus is extended to October 6, 2006.

S144419

H028674 Sixth Appellate District

PEOPLE v. SHAZIER

Counsel appointment order filed upon request of appellant for appointment of counsel, Alex Green is hereby appointed to represent appellant on the appeal now pending in this court.

S144701**REITZ-BRAZE ON DISCIPLINE**

It is ordered that **PATRICE A. REITZ-BRAZE, State Bar No. 82606**, be suspended from the practice of law for two years, that execution of the suspension be stayed, and that she be actually suspended from the practice of law for six months, as recommended by the Hearing Department of the State Bar Court in its decision filed on April 20, 2006, and until the State Bar Court grants a motion to terminate her actual suspension pursuant to rule 205 of the Rules of Procedure of the State Bar of California. Respondent is also ordered to comply with the conditions of probation, if any, hereinafter imposed by the State Bar Court as a condition for terminating her actual suspension. If respondent is actually suspended for two years or more, she must remain actually suspended until she provides proof to the satisfaction of the State Bar Court of her rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. It is further ordered that respondent comply with rule 955 of the California Rules of Court, and that she perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S144702**MARH ON DISCIPLINE**

It is ordered that **DAVID T. MARH, State Bar No. 206917**, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on May 15, 2006. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within six months before or one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10, and one-half of said costs be paid with membership fees for the years 2007 and 2008. It is further ordered that if respondent fails to pay any installment within the time provided herein or as may be modified by the State Bar Court pursuant to Business and Professions Code section 6086.10, subdivision (c), the remaining balance of the costs is due and enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S144703**OHEB ON DISCIPLINE**

It is hereby ordered that **TAMIR OHEB, State Bar No. 161693**, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. Respondent is also ordered to comply with rule 955 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar.

*(See Bus. and Prof. Code, § 6126, subd. (c).)

S144704**BARDACH ON DISCIPLINE**

It is ordered that **SHELDON GILBERT BARDACH, State Bar No. 32057**, be suspended from the practice of law for five years and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct, that execution of the suspension be stayed, and that he be placed on probation for five years subject to the conditions of probation, including one year actual suspension, recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on May 2, 2006, as modified by its order filed May 30, 2006. It is also ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that he comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and one-half of said costs be paid with membership fees for the next two billing cycles. It is further ordered that if **Sheldon Gilbert Bardach** fails to pay any installment within the time provided herein or as may be modified by the State Bar Court pursuant to section 6086.10, subdivision (c), the remaining balance of the costs is due and enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S144705**GLASER ON DISCIPLINE**

It is ordered that **Daniel Scott Glaser, State Bar No. 172056**, be suspended from the practice of law for one year, that execution of suspension be stayed, and that he be placed on probation for two years on condition that he be actually suspended for thirty days. Respondent is also ordered to comply with the other conditions of probation, including restitution, recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed May 24, 2006. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with

Business & Professions Code section 6086.10, and one-half of said costs be paid with membership fees for the next two billing cycles. It is further ordered that if Daniel Glaser fails to pay any installment within the time provided herein or as may be modified by the State Bar Court pursuant to section 6086.10, subdivision (c), the remaining balance of the costs is due and enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S144707**BROCKWAY ON DISCIPLINE**

It is ordered that **David Eric Brockway, State Bar No. 75442**, be suspended from the practice of law for five years, that execution of the suspension be stayed, and that he be placed on probation for five years on condition that he be actually suspended for two years and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice, and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. Respondent is further ordered to comply with the other conditions of probation recommended by the Review Department of the State Bar Court in its opinion filed on May 15, 2006. It is also ordered that respondent take and pass the Multistate Professional Responsibility Examination during the period of his actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn.8.) Respondent is further ordered to comply with rule 955 of the California Rules of Court and perform the acts specified in paragraphs (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S146239**LUTZ ON RESIGNATION**

The voluntary resignation of **Carl Ross Lutz, State Bar No. 52586**, as a member of the State Bar of California is accepted.

S146240**MARSHALL ON RESIGNATION**

The voluntary resignation of **Richard Allan Marshall, State Bar No. 85170**, as a member of the State Bar of California is accepted.

S146241**HAGLE ON RESIGNATION**

The voluntary resignation of **George Herbert Hagle, Jr., State Bar No. 73785**, as a member of the State Bar of California is accepted.

S146242**SAMMOND ON RESIGNATION**

The voluntary resignation of **DAVID THORNTON SAMMOND, State Bar No. 173410**, as a member of the State Bar of California is accepted.

S146243**SCOTCH ON RESIGNATION**

The voluntary resignation of **ROBERT EDMOND SCOTCH, State Bar No. 78081**, as a member of the State Bar of California is accepted.

S146245**MOORE ON RESIGNATION**

The voluntary resignation of **WILLIAM BENFIELD MOORE, State Bar No. 37222**, as a member of the State Bar of California is accepted.

S146246**SHELLEY ON RESIGNATION**

The voluntary resignation of **PETER ALAN SHELLEY, State Bar No. 62752**, as a member of the State Bar of California is accepted.

S146247**NISHIMORI ON RESIGNATIO**

The voluntary resignation of **JEANETTE YOKO NISHIMORI, State Bar No. 87512**, as a member of the State Bar of California is accepted.

S146250**ROOT ON RESIGNATION**

The voluntary resignation of **LAWRENCE HERBERT ROOT, State Bar No. 49731**, as a member of the State Bar of California is accepted.

S146251**BRISCH ON RESIGNATION**

The voluntary resignation of **Matthew Robert Brisch, State Bar No. 208113**, as a member of the State Bar of California is accepted.

S146252**ZEPP ON RESIGNATION**

The voluntary resignation of **Dale D. Zepp, State Bar No. 134507**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar.

*(See Bus. and Prof. Code, § 6126, subd. (c).)

S146253**AUSTIN ON RESIGNATION**

The voluntary resignation of **MICHAEL AUSTIN, State Bar No. 143023**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar.

*(See Bus. and Prof. Code, § 6126, subd. (c).)

S146255**CLAPP ON RESIGNATION**

The voluntary resignation of **THEODORE AARON CLAPP, State Bar No. 157698**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar.

*(See Bus. and Prof. Code, § 6126, subd. (c).)

